IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 522 of 2007()

CRLMC.94/2007 of D.C. & SESSIONS COURT, ERNAKULAM

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C.R.NO.36/06 OF PERUMBAVOOR EXCISE RANGE

: PETITIONER/ACCUSED

KUNJAN @ KOCHERUKKAN, AGED 50 YEARS,
S/O.KUTTAPPAN, PUTHUSSERY KARA, MANNURKARA,
AIRAPURAM VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.T.N.ARUNKUMAR
SRI.N.MAHESH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 522 OF 2007 A

Dated this the 1st day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.36/2006 of Perumbavoor Excise Range for offences punishable under Secs.55(a) and 55(i) of the Abkari Act, for allegedly having been found in possession of 3.5 liters of IMFL on 9.12.2006 and who was arrested on 18.12.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor, on instructions, opposed the application submitting, inter alia, that the petitioner is an accused in three other crimes involving similar abkari offences.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This Application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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